

GUILTY OR NOT GUILTY.

on the day preceding the shooting.

Vedder Zimmerman and Frances Weston Smith, aged 14 and 12 respectively, residents of Columbia, testified that two days before the shooting of Mr. Gonzales they saw Col. Tillman standing in front of the skyscraper in Columbia talking to two gentlemen, with a pistol in his hip pocket showing through the split in his Prince Albert coat.

A DEADLY AIM.

H. Spann Dowling, a member of the Legislature from Bamberg, breakfasted with Mr. Tillman in the latter's room in the Caldwell hotel the morning of the shooting. F. H. Dominick and Bunch Tillman were present a part of the time. He saw Mr. Tillman's two pistols and their mechanism was explained to him. He related a conversation between himself and Tillman in the jail on the afternoon of January 15, in which the prisoner said, "If I hit him where I aimed for, he is a dead man."

THE GUNSMITH.

W. F. Steiglitz, a well known gunsmith of Columbia testified that he repaired the magazine of Col. Tillman's German magazine pistol—which he identified—at the request of

HON. F. H. DOMINICK

on the evening preceding the shooting, and that Mr. Dominick called for it on the morning of the shooting and he turned it over to him.

JNO. K. AULL.

WEDNESDAY'S SESSION.

Lexington, Sept. 30.—The third day of the Tillman trial was taken up largely with the argument of legal points by the attorneys, though a good deal of evidence was introduced.

The court room was about three-fourths filled.

Mrs. Jas. H. Tillman and Col. Tillman's mother were in the court room.

The main issue of the day was the fight on the admission of dying remarks made by Mr. Gonzales. In this contention the prosecution was victorious and the remarks were introduced. These statements the prosecution is endeavoring to get in as preliminary to the presentation of a formal ante-mortem statement from Mr. Gonzales which was reduced to writing.

THE TESTIMONY.

Drs. B. W. Taylor and J. H. McIntosh were replaced and testified as to the treatment. Dr. McIntosh said just as little morphia as possible was given Mr. Gonzales because it was desired to keep his mind bright. Possibly 12 injections were made. On the way to the hospital, in the ambulance Mr. Gonzales asked me if he was mortally wounded. I said, "Yes, I think you are mortally wounded." He said, "Yes, I believe he got me." Up to the time he was out under the influence of the anesthetic I never saw a man in such extreme danger, clearer, cooler, or more collected. When I first saw him he was in the extreme danger of death.

M. C. Wallace, who has been with the mechanical department of the State since 1891, was standing on Main street at the time of the shooting, and saw the parties immediately afterwards. Mr. Gonzales, after carried to The State office, said, "I can not live." I was the first to reach him after he was brought to the office. Cross examined he said he had never heard Mr. Gonzales express himself hostile to Mr. Tillman and did not know of any personal enmity.

J. A. Hoyt, Jr., associate editor of The State at the time of the shooting, first saw Mr. Gonzales in the State office after he was shot. He was in intense pain. Mr. Gonzales said to me after his wife got there, "I was only afraid I would die before my wife got here." He described to me the manner of his shooting. Mr. Hoyt was asked to state what Mr. Gonzales told him as to his condition. The defense objected on the ground that it was not admissible as a dying declaration. Judge Gary ruled as follows:

DYING DECLARATIONS

The Court: If a man is in extremis, and being in extremis, and being in that condition is absolutely without hope, and makes a statement, I believe it is proper. Subsequently if hope is revived in his mind I do not believe that will render that statement incompetent. If hope was revived in the mind of this man on the way to the hospital, if he was in The State office in extremis and without hope, the statement made there would be proper.

Col. Johnstone asked that the defense be given the privilege of arguing this point before Judge Gary made his ruling absolute and final. The jury retired, and the point was argued at length. Col. Johnstone eloquently and forcibly argued that not only must the patient believe he is going to die, but death must be there, in order that his dying declaration be admissible. The attorneys for the prosecution held that Mr. Gonzales was without hope, at the time he made the statement to Mr. Hoyt in the State office, and that, therefore, his statement was a dying declaration and admissible as such. In short, the prosecution held that the statement should be admitted because at the time it was made Mr. Gonzales believed he was going to die immediately, having just before made the statement, "I was only afraid I would die before my wife reached here." The attorneys for the defense held that it should not be admitted because death did not occur immediately, that in dying declarations in addition to the belief of the patient, death itself must be present. That afterwards, even if Mr. Gonzales at that time believed he would die immediately, hope was revived in his mind, he having acquiesced in an operation, and that a revival of hope invalidated a dying declaration.

During the argument M. C. Wallace

was recalled and stated that Dr. Griffith could not have given Mr. Gonzales any hope before Mr. Hoyt reached him. Mr. Hoyt having preceded Dr. Griffith to the office. Mr. Hoyt testified that he thought Dr. Griffith reached the State office first.

After a discussion upon the admission of Mr. Gonzales' statement to Mr. Hoyt a dying declaration, Judge Gary adhered to his ruling given above.

A DYING DECLARATION.

Mr. Hoyt, continuing, said that Mr. Gonzales, lying on the floor of the State office, said that he left the State office to go to dinner. That he was walking along Main street towards the State house. He got nearly to the railway transfer station when he saw Jim Tillman coming from the capitol with two men whom he didn't recognize. Several people were standing around. He saw that if he kept on his course that he would push against these men, and to avoid that he struck diagonally across the pavement towards the corner of the transfer station and as he was cutting across Tillman pulled a pistol and shot. He turned and faced him and said, "Shoot again, you coward, you have killed me." He looked Tillman in the face and Tillman held the pistol at him, but did not shoot. He said just about the time Tillman shot him that he said, "I have done what you said," "I have taken you at your word," or something like that. Asked by defendant's counsel as to his personal feelings towards Mr. Tillman, Mr. Hoyt said he regarded Tillman as the man who had killed his best friend, and if he harbored vengeance towards any man he must harbor vengeance towards him. Asked if before the election he regarded Mr. Tillman as a liar and blackguard, he said yes. Is there any denunciatory term too strong that you could apply to him now? None, answered Mr. Hoyt.

Dr. C. W. Barron, of Columbia, a brother-in-law of the deceased editor stated that when he got to the hospital he saw Mr. Gonzales and that his mind was clear. He saw the statement made and heard Mr. Gonzales state that it was his dying statement.

Dr. J. W. Babcock, of Columbia, was called in while Mr. Gonzales was lying wounded in the State office. Mr. Gonzales told him he was suffering great agony and asked him to do something more for him. Dr. Babcock on the stand read the notes which he had taken of Mr. Gonzales' dying declaration, taken at the hospital. The declaration is practically the same as that given by Mr. Hoyt with this addition: Mr. Gonzales said that he recognized Senator Albright, and that he had met Mr. Tillman two days before in the lobby of the House.

The jury was excluded during an argument upon the admissibility of Dr. Babcock's notes.

The last witness on Wednesday was Mr. August Kohn, of the News and Courier, who was present at the time the dying declaration of Mr. Gonzales was made in the hospital just before the operation. Mr. Kohn did not conclude his testimony on Wednesday.

THURSDAY'S PROCEEDINGS.

[Special to Herald and Times.] Lexington, S. C., October 1.—Today until four o'clock was consumed by the prosecution in reading the editorials in reference to Tillman which appeared in the State newspaper during last year. The object, I presume, is to show by reading all the editorials that the issue which Gonzales made was not a personal issue, but that Gonzales indicated Tillman the candidate. The State is not likely to rest until Saturday if then. The end of the trial is not yet in sight. The crowd in the court house today dwindled to a mere hand full. The most decisive victory so far has been to the prosecution in the admission of Gonzales' dying statement.

JNO. K. AULL.

Lexington, S. C., October 1, 4.40 p. m.—The reading of editorials by prosecution continues.

J. K. AULL.

LITTLE INTEREST IN LEXINGTON.

That the people of Lexington County are not taking much interest in the trial is shown by the very small attendance in the court room. There is a small army of newspaper men here, and the hotels are crowded.

PROVE IT ANYTIME

By the evidence of Newberry People.

The daily evidence citizens right here at home supply is proof sufficient to satisfy the greatest skeptic. No better proof can be had. Here is a case. Read it:

O. C. Barton mill hand at the Newberry Cotton Mill says: "Doan's Kidney Pills did me more good than any other medicine I ever used. They cured me of backache after everything else had failed. I suffered with my back for several years and tried all kinds of medicine but it only got worse all the time. I have had to lose as much as two weeks at a time from work on account of the terrible pain in my back. At times I could not stand straight to save my life and I seemed to lose all use of my back while the constant dull heavy pain prevented me from sleeping or getting rest in any position and I would get up in the morning tired to death. The kidneys were discolored and too frequent in action so that I had to drag myself out of bed several times during a night. I tried everything I could buy, rubbed on liniments, wore plasters and took remedies but it was just the same old backache and I thought I would never get well. Seeing an advertisement about Doan's Kidney Pills I went to W. E. Pelham & Son's drug store and got a box. They went at once to the right spot. I used three boxes of them and my back ceased aching. I had no bother with the kidneys and could get sound and refreshing sleep at night. I attribute these results entirely to the use of Doan's Kidney Pills. For sale by all dealers. Price 50 cents. Foster-Milburn Co. Remem-ber the name—Doan's and take no other.

GENERAL NEWS NOTES.

Items of More or Less Interest Condensed Outside the State.

Mrs. Jefferson Davis who has been quite ill continues to improve and it is now thought she will recover.

The two minute trotter is here in full truth. Not only Lou Dillon, but Major Del Mar, has done the trick.

Dr. Gutierrez, at Laredo, Tex., where yellow fever is proving, says the mosquito is the cause of the fever's spread.

The two French aeronauts who made a successful trip in a balloon from Paris to England, have returned to their homes.

The first football casualty of the season is reported from Chicago, where Augustus Becker, a student at Lake Forest, had his back broken.

President Roosevelt, his family and official staff have returned to the White House at Washington from their summer vacation at Oyster Bay.

A severe storm has swept over the northern coast of Portugal. Two fishing boats, containing seventy-two men, were wrecked and sixteen of the men were drowned.

Governor Jelks has signed the bill killing Sunday baseball in Alabama and also the anti boycott bill, which was strenuously opposed to the labor unions of the State.

J. H. Hubbard, a well known farmer, was found dead near Decatur, Ala., on Monday. He was an important witness in a law suit and rumors of foul play are heard.

Many members of the present Alabama legislature are said to be looking for places higher up in the state's service. Several promising gubernatorial candidates are among the members of the two houses.

Train on Cincinnati Southern strikes a cow near Glen Mary, Tenn., and the train leaves the track and rolls down embankment. Engineer Parker killed and eight others of the crew injured.

At a meeting of republicans in Brooklyn Monday night Timothy Woodruff's slate was smashed and a general melee followed. Police-men clubbed right and left before restoring order.

Congressman Aiken, says the Anderson Mail, will make an effort at the next session of Congress to secure an appropriation for a postoffice building at Anderson, there is no government building in Mr. Aiken's district.

Senator Clay of Georgia has denied that he declared himself in favor of the nomination of Gorman for President by the Democrats, as was recently reported. Clark Howell, however, continues to pledge Georgia to the Maryland Senator.

The insistence of Premier Balfour on Lord Milner's acceptance of the colonial secretaryship in the British cabinet indicates that, as far as the colonial governing policy is concerned, the spirit of Chamberlain will still be potent in the ministry.

There is no hypocrisy about Lewis Nixon, at least. He announces that he is a candidate for the Democratic nomination for Mayor of New York and that he will make a strong effort to secure the place. It would not be surprising if his bold stroke cut a path to victory for him through the stealthy politicians.

It is said that there was \$10,000 in currency on the train for Spartanburg being consigned to one of the banks of that city. The money was in one package and was made up of \$5 bills. It came in Tuesday morning having been recovered. Besides being washed and twisted a bit the big lot of money was uninjured. It was handled by the Southern Express Company.

Col. M. P. Tribble, who has charge of the work of collecting the Confederate rolls of this State for the government, will next week start out on a trip over the entire State for the purpose of obtaining rolls of veterans that have not been sent him in Columbia. There are a large number of these rolls that should be in Colonel Tribble's hands, and unless they are obtained at once, there will be some difficulty in getting them accepted by the secretary of war.

Berlin lays claim to the distinction of having the champion truant of the world. He is a boy of 10. Nothing could make him attend

school, and it finally became necessary to send him thither each day in charge of a policeman. This lasted for a week or so, and then he began to run away from home at night so that the policeman could not find him in the morning. To stop this practice he was locked up. One night he jumped from the window in the room where he was confined and landed in street, thirty feet below, with his skull and most of his ribs broken.

CEDARS OF LEBANON.

Only About Four Hundred Trees of This Historic Wood Still Alive.

There are only about four hundred of the cedars of Lebanon left. High up on the rocky slopes Hadrian sculptured his imperial anathema against all who should cut these sacred trees. The Maronite peasants almost worship them and call them the "Cedars of the Lord," and a recent Governor of Lebanon has surrounded them by a great wall, so that the young shoots may not be injured by roving animals. Yet, their number grows less. But if the cedars are few in number, these few are of royal blood. They are not the largest of trees, though some of the trunks measure over forty feet around. Their beauty lies in the wide spreading limbs, which often cover a circle two or three hundred feet in circumference. Some are tall and symmetrical, with beautiful horizontal branches; others are gnarled and knotted, with inviting seats in the great forks and charming beds on the thick foliage of the swinging boughs.

The wood has a sweet odor, is very hard and seldom decays. The vitality of the cedar is remarkable. A dead tree is never seen, except where lightning or the axe has been at work. Often a great bough of one tree has grown into a neighbor and the two are so bound together that it is impossible to say which is the parent trunk. Perhaps the unusual strength and vitality of the cedars are due to their slow growth. When a little sprout, hardly waist high, is said to be ten or fifteen or twenty years old one cannot help asking, What must be the age of the great patriarchs of the grove? It is hard to tell exactly. By the aid of a microscope I have counted more than seven hundred rings on a bough only thirty inches in diameter. Those who have studied the matter more deeply think that some of these trees must be more than a thousand years old. Indeed there is nothing wildly improbable in the thought that perhaps the Guardian, for instance, may have been a young tree when Hiram began cutting for the temple at Jerusalem.

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BIG SALE OF BRUSHES!

For one week ONLY Oct. 3d to 9th inclusive, we offer a 20 per cent. discount on every brush in our store. This includes Tooth Brushes, Hair Brushes, Clothes Brushes, Nail Brushes, and all other kinds. We desire to sell every brush that we have in stock. Not that any of them are undesirable brushes. That isn't the reason at all. We want to sell these brushes; we bought them to sell; we didn't buy them for any other purpose. We want to sell more of them than we are selling now, and we want to see, at this special price, how many we can sell in one week's time. It will be worth your while to buy a stock of brushes. Even if your tooth brush isn't entirely worn out, you had better get a new one during this sale.

Enl'mol Tooth Paste, is an elegant preparation for cleansing, whitening and preserving the teeth. It is the most perfect tooth preparation that we have ever handled. This paste is so smooth that it cannot scratch even the softest enamel. It is a happy medium; not foaming too much, or being too dry. It is just right. Price 25c. per tube.

Let us fill your prescriptions. We do it as your physician wants it done.

Gilder & Weeks,

Particular Pharmacists, Corner Drug Store, NEWBERRY, - S. C.

HERE IS YOUR CHANCE.

CASH! CASH! CASH! This is no gambling scheme, but is simply an inducement to buy your SHOES from us for the CASH.

We have placed in our window a box which contains.

TWENTY DOLLARS.

We will give a Key to this Box Free with every pair of Shoes sold at \$1.00 or over. Two (2) Keys with every pair of Shoes sold at \$2.00 or over. Three (3) Keys with every pair of Shoes sold at \$3.00 or over. Only THREE Keys will open this box. When Keys have all given out you may try your Key.

The first Key to unlock the box takes TEN DOLLARS. The second Key to unlock the box takes SIX DOLLARS. The third Key to unlock the box takes FOUR DOLLARS.

No Key will be tried unless the tag is attached. No employee allowed to have a key. We do not know which key opens the box. We shall advertise in this paper when all the keys are taken and set a day and hour so everybody will have an equal chance to try his Keys.

Don't lose the Tag—The Key is worthless without it. We have the largest selection, the best quality, the most durable and stylish shoes that are manufactured of Leather and Iron, at prices which please everybody.

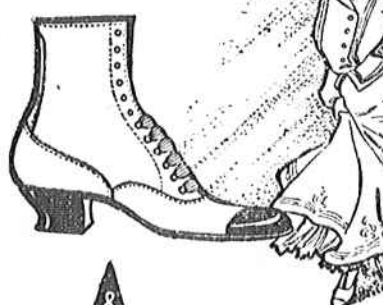
O. KLETTNER,

THE FAIR AND SQUARE DEALER.

1903. For Fall and Winter 1903.

We are abundantly prepared to supply your wants. Every department is being filled. Each day brings new attractions and honest merchandise, which guarantees permanent trades, happy and satisfied customers. It's a hundred cents on the dollar to our customers that counts. People want their money's worth and not so much lip music. See our \$5 and \$6 Suits—Superb Brand, also better ones. They are noted for workmanship and fit. Pull line for boys and youths. We call your attention to our Mayflower Shoes for Ladies—Beautiful last, best stock—guaranteed to wear, and Star Brand Shoes for Misses and Children.

MAYFLOWER WOMEN'S \$2.50



STAR BRAND SHOES ARE BETTER



Keep an Eye on this Space